

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Arlington, VA 22202, on the date appearing below.
ELI LILLY AND COMPANY

By

KS Rhoades

Date

11-26-02

PATENT APPLICATIONIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Briner, et al.)	
)	
Serial No.	:	PCT/US00/01342)	
)	
US Application No.:		09/890,311)	
)	Group Art Unit:
Filed	:	July 26, 2001)	
)	
For	:	Aminoalkylbenzofurans as Serotonin)	
		(5-HT(2C)) Agonists)	Examiner:
)	
Docket No.	:	X-11594)	

RECEIVED
06 DEC 2002
Legal Staff
International Division

PETITION TO REVIVE UNDER 37 C.F.R. §1.137 (a)

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Arlington, VA 22202

Sir:

The above-identified application was abandoned for failure to respond to a notice of Missing Requirements. Applicant(s) respectfully state(s) that the delay was unavoidable and petition(s) that the application be revived and reinstated as a pending application. Applicant(s) further state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unavoidable.

Please charge the amount of \$130 [the fee under 1.17(l)] to cover the fee for this Petition and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

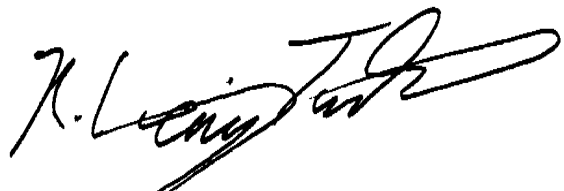
The PCT national filing of the present application was made on July 26, 2001, including a Transmittal Form including instructions for payment of fees (Form PTO-1390), a copy of the International Preliminary Examination, a Preliminary Amendment, a Declaration and Power of Attorney signed by the inventors (Form PTO/SB/01 (8-96)), and a postcard for the acknowledgment of receipt. The postcard was received in return mail stamped "JC05 Rec'd PCT/PTO 26 July 2001 09/890311". Copies of these documents are attached for your convenience.

Serial No. 09/890,311

On 19 November 2002, Applicants received a Notification of Abandonment, stating the cause for abandonment as a failure to respond to a Notice of Missing Requirements, purportedly mailed 10 September 2001. Applicants declare that no such Notice of Missing Requirements was received in Applicants' offices and Applicants have had no reason to suspect a deficiency until the receipt of the instant Notice of Abandonment. Applicants find it noteworthy that the purported Notice is said to have been mailed at the time of the Attack on America, which may provide an explanation for the failure in transmission of any intended notice. Applicants therefore assert that any actual failure to respond, assuming a Notice of Missing Requirements was in fact intended, was completely unavoidable. Applicants therefore petition that the application be revived and reinstated as a pending application, and that if a Notice of Missing Requirements is proper, that such Notice be (re)transmitted, so that Applicants may respond in a timely manner under the present circumstances.

Applicants request favorable action on this petition.

Respectfully submitted,



R. Craig Tucker

PATENT

Dkt. No. X-11594 Atty RCT

RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Serial No. 09/890,311

OR

Interference No. _____

Filed: July 26, 2001

Parties: _____

Applicants: Briner, et al

Response _____

Amendment/Response _____

IDS/1449 _____

Assignment/Cover Sheet _____

Notice of Appeal _____

Issue Fee _____

Letter Trans./Brief _____

Express Abandonment _____

Affirm 821/Diskette _____

Fee Authorization _____

Trans./Decl. Power Atty _____

Communication _____

Other Papers: Petition To Revoke

Attachments

Certificate of Mailing

DT17 Rec'd PCT/PTO 02 DEC 2002 /